

Order

Of the Bar Harbor Town Council

For the June 8, 2010 Town Meeting

It is hereby ordered that the following article be placed on the town meeting warrant with voting thereon to be held by Australian ballot.

Warrant Article

LAND USE ORDINANCE AND MAP AMENDMENT – Village Historic District and Official Zoning Map – Shall an Ordinance dated February 2, 2010 and entitled “An amendment to adopt standards for Village Historic District and revise the Official Zoning District Map” be enacted?

Village Historic District

An amendment to adopt standards for the Village Historic District and revise the Official Zoning District Map.

The Town of Bar Harbor hereby ordains that Chapter 125 of the Town Code is amended as follows:

[Please Note: Old language is ~~stricken~~. New language is underlined.]

Chapter 125 , LAND USE ORDINANCE

ARTICLE II Establishment of Districts

§ 125-12. Neighborhood districts. [Amended 11-5-1991; 5-1-1995]

For the purposes of this chapter, all land and water areas in the Town of Bar Harbor are hereby divided into the following districts:

Village Historic ~~Bar Harbor Historic~~

§ 125-18 Village Historic

A. Purpose

The Village Historic District consists of mostly single family homes and historically significant estates. New development, re-development, and infill development shall respect and reflect the following standards to assure that the design and use of properties within this district are compatible to any nearby properties.

B. Dimensional Standards

1. Minimum lot size: 40,000 square feet.
2. Minimum road frontage and lot width: 100 feet.
3. Minimum front setback: 30 feet.
4. Minimum side setback: 25 feet.
5. Minimum rear setback: 25 feet.
6. Maximum lot coverage: 25%.
7. Maximum height: 40 feet.
8. Minimum area per family: 40,000 square feet.

§ 125-18. Bar Harbor Historic.

- ~~A. Minimum lot size: 40,000 square feet.~~
~~B. Minimum road frontage and lot width: 100 [feet].~~
~~C. Minimum front setback: 25 [feet].~~
~~D. Minimum side setback: 25 [feet].~~
~~E. Minimum rear setback: 25 [feet].~~
~~F. Maximum lot coverage: 35%.~~
~~G. Maximum height: 40 [feet].~~
~~H. Minimum area per family: 40,000 square feet. [Amended 6-13-2006 EN]~~

C. Allowed Uses

1. Principal uses allowed by building permit or a change of use permit with the Code Enforcement Officer: Accessory dwelling unit; home occupation; public or private park with minimal structural development; vacation rental on homestead exemption property; and single family dwelling.
2. Accessory Uses that are usual and normal to principal use are allowed unless otherwise prohibited. These allowances are subject to review by the Code Enforcement Officer.
3. Uses allowed by site plan review: Bed and Breakfast I and private clubs, provided the location is in a building constructed before June 8, 2010 for properties with lot frontage or access on West Street only; eleemosynary except for properties with lot frontage or access on Harbor Lane and Eden Street; pier, dock, wharf, or breakwater; noncommercial greenhouse; road construction.

D. Allowed Activities:

1. Activities allowed without a permit, provided it complies with all provisions of the Section 125: activities necessary for managing/protecting land; filling/earth moving activity less than 10 cubic yards; forest management activities except timber harvesting; non-intensive recreation uses not requiring structures; public utility installation/essential services.
2. Activities allowed by building permit and require approval of the Code Enforcement Officer: driveway construction; filling/earth moving activity 10 cubic yards or more.

E. Other Requirements:

1. All changes to facades and signs shall require Design Review Board approval.
2. Parking for Bed and Breakfast I shall be shielded from the view of neighboring properties located to the side and rear of the property where the Bed and Breakfast is located. Shielding shall consist of vegetative screening.
3. Accessory structures and uses shall be located in the side or rear yard of the property.

ARTICLE V Site Plan Review

§ 125-67. General review standards.

B. Lot standards. Except as modified by the provisions for planned unit developments set forth in § 125-69M and S, as applicable, any proposed structure or lot must comply with the lot size, area per family, road frontage, lot width, and front, side and rear setback requirements, as determined by reference to Article III for each district in which it is proposed subject to the following: [Amended 5-7-1991; 11-5-1991; 5-1-1995; 5-6-1996; 11-2-1999; 11-4-2003; 5-3-2004; 11-2-2004; 5-2-2005; 6-13-2006^{1EN}]

- (1) Any yard adjacent to a street shall be considered a front yard.
- (2) Front setback distances shall be measured from the center line of the traveled way in all districts except the ~~Village Historic Bar Harbor Historic~~, Bar Harbor Historic Corridor, Bar Harbor Residential, Downtown Business, Downtown Residential, Halls Cove Business, and Shoreland General Development I Districts where setback distances shall be measured from the edge of the lot line.

D. Parking requirements. Any site plan for an activity that can be expected to generate vehicular traffic shall provide for off-street parking in accordance with the following:

(3) The following minimum off-street parking shall be provided and maintained in the case of new construction, alterations or changes of use which would increase the parking demand according to the standards set forth below, or any increase in the area used which increases the number of persons using the premises. In the event of such construction, alterations, change or increase, the entire premises or use, and not just that portion constructed, altered, changed or increased, shall become subject to the following requirements.

(b) Transient accommodations:

[1] ~~TA-1~~ Bed and Breakfast I and TA-3: one parking space plus one parking space for each guest room.

BB. Signs and advertising. All site plans shall demonstrate that all signs related to the proposed development will comply with the following standards, to which all signs located within the Town of Bar Harbor are subject, regardless of the need for site plan approval. In addition, activities located within the Design Review Overlay District that require a certificate of appropriateness pursuant to Article XIII, Design Review, are subject to additional requirements set forth in the standards of Article XIII. [Amended 11-5-1991; 11-2-1999; 11-4-2003; 6-13-2006; 11-7-2006; 11-6-2007; 6-9-2009]

(6) Signs subject to the review by the Design Review Board for a certificate of appropriateness.

(a) Building permits required.

[1] All signs listed below are required to receive a certificate of appropriateness from the Design Review Board prior to receiving a building permit if they are located within the following districts:

[a] Village Historic ~~Bar Harbor Historic~~.

§ 125-69. Standards for particular uses, structures or activities.

Notwithstanding and in addition to any other provision of this chapter, before granting site plan approval for any land use activity described in this section, the Planning Board must find that the proposed plan will comply with such of the following standards as are applicable:

F. Manufactured housing.

(1) It is the policy of the Town of Bar Harbor to allow manufactured housing on individual, undeveloped lots in a variety of locations so as to offer a viable housing option for the

citizens of Bar Harbor. Such housing shall be subject to the same requirements as single-family dwellings except as provided in this Subsection F. Mobile homes are prohibited in the Downtown Business, Downtown Residential, Village Historic Bar Harbor Historic, and Shoreland General Development Districts. [Amended 11-5-1991]

ARTICLE XII Construction and Definitions

§ 125-109 Definitions

BED & BREAKFAST, I – Overnight accommodations and a morning meal in an owner-occupied dwelling unit constructed before June 8, 2010, provided to transients for compensation. Breakfast is included in the room rate.

~~A. TA-1 – Bed and breakfast accommodations in the private, year-round residence of the host family who live on the premises (one to three rooms; maximum six guests). Breakfast is the only meal provided.~~

ARTICLE XIII Design Review

§ 125-112. Applicability of design review.

- A. Design Review Overlay Districts. [Amended 11-4-2003; 11-2-2004; 6-9-2009; 11-3-2009]
- (1) The provisions of this article shall apply only within the geographic limits of the following Design Review Overlay District, hereinafter called the "district."
 - (2) Boundaries of the Design Review Overlay District. The district shall include the following neighborhood districts as shown on the Official Neighborhood Districts Map of Bar Harbor: the Downtown Business District; the Shoreland General Development I District; the Village Historic District ~~Bar Harbor Historic District~~; the Bar Harbor Historic Corridor District (excluding those corridor districts on Route 3 that are within the area of the Town shown on Tax Map 11D); and the Town Hill Business District. The district is depicted on the map titled "Design Review Overlay District of the Town of Bar Harbor, Maine." The district also includes individual properties with the following uses, regardless of their district location: Bed and Breakfast I, TA-1, TA-3, TA-4, and TA-6.
 - (3) The District also includes the districts and area included in the Sign Ordinance, § 125-67BB.
- B. Activities subject to design review. Any of the following activities shall be undertaken within the designated district only after a certificate of appropriateness has been issued by the Code Enforcement Officer of the Town of Bar Harbor after review and approval by the Review

Board: [Amended 11-4-2003; 5-3-2004; 11-2-2004]

- (1) The demolition, in whole or in part, of a building or structure classified as historic as denoted in Appendix A and/or B or is a Bed and Breakfast I ~~TA-1~~, TA-3, -4 or -6, respectively; [Amended 11-4-2003]
- (2) The moving or relocation of a building, sign or structure classified as historic as denoted in Appendix A and/or B or is a Bed and Breakfast I ~~TA-1~~, -3, -4 or -6, respectively; [Amended 11-4-2003]
- (3) Any material change, other than routine maintenance and repair and minor renovations as outlined in Subsection C, in the exterior appearance of an existing building, sign, fence, or structure classified as historic as denoted in Appendix A and/or B or is a Bed and Breakfast I ~~TA-1~~, TA-3, -4 or -6, respectively, including additions, reconstruction, alterations, or maintenance involving a change in the exterior color or materials; [Amended 11-4-2003]

Appendix C Amendments attached herein.

MAP AMENDMENT

Assign the Village Historic District to the following Property Tax Map and Lot numbers pursuant the Proposed Zoning Changes map created on:

Map-Lot	Map-Lot	Map-Lot	Map-Lot
106-055-001	104-017-000	105-041-000	111-008-000
103-012-000	104-036-000	105-042-000	111-012-000
103-014-000	104-037-000	105-085-000	111-013-000
103-021-000	104-038-000	105-086-000	111-016-000
103-016-000	104-039-000	105-084-000	111-022-000
103-015-000	104-040-000	108-016-000	111-018-000
103-017-000	104-041-000	108-015-000	111-017-000
103-019-000	104-068-000	108-017-000	111-019-000
103-025-000	104-069-000	108-021-000	111-020-000
103-026-000	104-070-000	108-018-000	111-022-001
103-023-000	104-009-000	108-019-000	111-021-000

Map-Lot	Map-Lot	Map-Lot	Map-Lot
103-024-000	104-007-000	108-020-000	111-023-001
104-032-000	104-006-000	108-062-000	111-023-002
104-033-000	102-001-000	108-063-000	111-027-000
104-014-000	104-005-000	108-064-000	111-026-000
104-013-000	104-004-000	108-066-000	111-025-000
104-015-000	104-003-000	111-006-000	115-022-001
104-016-000	104-002-000	108-065-000	115-022-000
104-018-000	104-001-000	111-007-000	

EXPLANATION: Adoption of this amendment would replace the existing Bar Harbor Historic District.

Given under our hands and seal at Bar Harbor this ninth day of February 2010.

Municipal Officers of the Town of Bar Harbor

Sandy McFarland, Chair

Ruth A. Eveland, Vice Chair

Jane Disney, PhD.

Robert L. Jordan, Jr.

Peter St. Germain

Greg Veilleux

Paul A. Paradis, Secretary